

REMARKS

After entering the above amendments, claims 1-10 and 15-23 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

Summary of Rejections. The Office has rejected claims 1-10 and 15-23 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2004/0133342A1 by Banker (hereinafter "Banker").

Summary of Amendments. With this amendment, claims 1-9, 15-18, and 21-23 have been amended. The amendments to independent claims 1, 15, 18, and 21 add the limitation that the parameters of the associated query (or drill down query) and of the associated visual configuration for each search option are determined absent any input from the user to formulate the associated query or define the associated visual configuration and further clarify other elements of the claims that were previously presented. This limitation finds support in the specification at least at lines 18-21 of page 10. The amendments to dependent claims 2-9, 16, 17, 22, and 23 are for consistency with the independent claims from which they depend and to improve clarity. No new matter has been added with this amendment.

Summary of Interview with Examiner Al Hashemi

The Applicant appreciatively acknowledges the interview granted on February 25, 2009 by Examiner Al Hashemi. During the interview, the undersigned and the Examiner discussed the claim limitations pertaining to

each search option (of the plurality of search options presented in a control) specifying and displaying in the control both an associated predetermined query to be performed on a data repository and an associated predetermined visual configuration for displaying a result

of the predetermined query;

The Examiner indicated that in her opinion, the term "predetermined" is broad and could encompass queries and visual configurations determined by the user at the time of the user's selection of one of the search options from the control. Applicant strongly disagrees with this position in light of the remaining language of the claim. For example, claim 1 as previously presented recites displaying a control in a computer user interface and that the control presents a plurality of selectable, predetermined search options that a user can select for execution. Applicant respectfully requests that the Examiner reconsider her position. A claim limitation requiring multiple predetermined search options that are presented in a control such that the user can select one of the search options is not reasonably construable as inclusive of anything but list of the list of options presented in the control being established prior to the control being presented to the user. Nonetheless, the claims have been amended as shown above in an effort to further prosecution of this matter. Applicant respectfully submits that the claims as currently amended are clearly and unambiguously neither disclosed nor suggested by Banker or any other art of record in this matter.

Also during the interview, the undersigned directed the Examiner's attention to FIG. 3 of the instant specification as an illustration of an implementation of the claimed subject matter. The Examiner at least tentatively agreed that Banker does not describe or fairly suggest a control in a user interface that presents to a user a plurality of selection options that each specify both a query to be performed on a data repository and a visual configuration in which to display the results of the query. The Examiner suggested that Applicant consider whether the subject matter as claimed was similar to report customization features that are found on software packages such as Microsoft's Excel and/or Intuit's Quicken or Quickbooks. To the best of Applicant's knowledge, neither Excel nor Quickbooks or Quicken include features in which the content of a query and the visual

configuration for displaying the results of the query are both specified in a single search option that is presented as one of a plurality of search options in one control displayed in a graphical user interface.

Applicant in turn requested that the Examiner carefully review the full file history in this matter, particularly the correspondence between Application and Examiner Rimmell regarding the Kotas reference, and consider whether the previously presented arguments in this matter also apply in regards to how the instantly claimed subject matter is distinguished from the Banker reference

Rejections under 35 USC §102

Claims 1-10 and 15-23 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Banker. This rejection is respectfully traversed. To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which “each and every element as set forth in the claim is found, either expressly or inherently described.” MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The rejections over Banker fail to satisfy this burden with regards to the currently pending claims.

As a first point, Applicant reiterates that the rejections stated in the Office Action of December 16, 2008 appear to rely on a keyboard 400A and a markup palette 422 as allegedly being anticipatory of the claimed control having additional features including displaying both an associated query to be performed on a data repository and an associated visual configuration for displaying a result of the associated query. Applicant respectfully submits that the rejection under 35 U.S.C. §102 does not appear to be proper because neither the keyboard 400A nor the markup palette 422 actually perform the functions recited in the claims. If the Office has imputed additional detail to the Banker disclosure than is apparent from the rejections as currently presented, Applicant would

appreciate a further explanation of the Office's position.

In any event, nowhere in Banker or any other art of record in this matter is there an anticipatory description or a fair suggestion of the instantly claimed subject matter of claims 1, 15, 18, and 21. At the very least, Banker completely and utterly fails to disclose or even to consider the claimed control presenting multiple search or drill down options that each specify both an associated query and an associated visual configuration that are established absent any other input from the user to formulate the associated query or define the associated visual configuration. While the markup palette 422 does appear to indicate possible topics that could be searched if selected by a user, the markup palette in no way specifies a visual configuration in which the results of a query are to be displayed. During the interview, Examiner Al Hashemi asserted that some topics to be searched can have implicit visual configurations in which they can be displayed that are implicit based on the content of the possible topic to be searched. Applicant respectfully submits that this assertion is not tenable based on the explicit language of the independent claims, each of which recites that both the associated query and the associated visual configuration are not only specified by the search option but are also displayed in the control. The palette 422 of Banker cannot reasonably be construed as disclosing or even suggesting this limitation.

The stated rejections also appear to rely on paragraph [0705] of Banker as allegedly disclosing performing the predetermined data repository query associated with the selected predetermined search and displaying the result of the predetermined query using the predetermined visual configuration associated with the selected search option. Paragraph [0705] of Banker appears to describe only that a topic selection is communicated to a search and retrieval module 602 and that search and retrieval module 603 performs a search and returns results. These descriptions neither disclose nor fairly suggest the instantly claimed limitations of the plurality of search options

presented on the control wherein each search option specifies both a query and a visual configuration for displaying results of the query and the parameters of the query and the visual configuration are determined absent any other input from the user to formulate the associated query or define the associated visual configuration. Again, further clarification is requested if the Office has imputed additional detail to the Banker disclosure than is apparent from the rejections as currently presented.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §102 is respectfully requested.


CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Request for Continued Examination with the requisite fee, authorization for a credit card payment of the filing fee is submitted herewith. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 34874-021/2003P00725US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: March 16, 2009



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